

REMARKS

This is in response to the Office Action mailed on September 23, 2004, and the references cited therewith.

Claims 1, 15, and 22 are amended; as a result, claims 1-22 are now pending in this application.

§102 Rejection of the Claims

Claims 1, 6, 10, 15, 22 were rejected under 35 USC § 102(e) as being anticipated by Haruki (U.S. 2001/0013099 A1). It is of course fundamental that in order to sustain an anticipation rejection that each and every step or element in the rejected claims must be taught or suggested in the cited reference.

Haruki is directed towards protecting digital media. To achieve this, Haruki teaches using a separate device a playback device (PD 21 FIG. 1), which is directly and securely connected to a personal computer (PC 11 FIG. 1). The software to process on the PD is shipped as a compact disc (CD 31 FIG. 1). Haruki teaches a technique that restricts the playing, installing, or viewing of digital media to a single copy. The purpose is to prevent a user from installing digital media or playing digital media on more than one PC. This is achieved with a flag that is either set or not set. *E.g.*, Haruki, paras. 34, 39, 41, *etc.*

Haruki asserts that by restricting access to digital media through its PD and use of the flag that digital media can be more effectively controlled and managed. When media is installed on the PC the flag is set, such that on subsequent attempts to install the media the requests will be denied as long as the flag remains set. Haruki alludes to the ability to also use this technique for limiting use of a specific function of software, although no description at all is provided for explaining how this may occur. Thus, this feature has to be read in terms of the teachings presented in Haruki. The disclosure and abstract mention this capability as being a single function of the software. *See*, Haruki, Abstract; para. 55 “a specific function of the software.” *Emphasis added.*

At best the teachings of Haruki demonstrate that a single and specific function of software may be limited to a single PC for a single access and use. This would make sense

because Haruki is attempting to restrict access to digital media. Thus, a view command for a video may be restricted to a single play on a single PC.

However, Haruki does not teach or even remotely suggest how *two* or more or a *plurality* of software commands for a single license may be *included* or *excluded* from a software *product*. *Emphasis added*. These limitations are now positively recited in Applicants' amended independent claims. It is also noted that Haruki registration occurs with the PC's id and not with software commands.

Therefore, the rejections with respect to Haruki should be withdrawn and the claims allowed. Applicants respectfully request an indication of the same.

§103 Rejection of the Claims

Claims 2-5, 9, and 11 were rejected under 35 USC § 103(a) as being unpatentable over Haruki in view of Misra et al.(U.S. 6,189,146). Claims 2-5, 9, and 11 are dependent on amended independent claim 1. Thus, for the remarks and amendment presented above with respect to independent claim 1, the rejections of claims 2-5, 9, and 11 should be withdrawn.

Claims 7-8 were rejected under 35 USC § 103(a) as being unpatentable over Haruki as applied to claim 1 above, and further in view of Garst et al (U.S. 6,188,995). Claims 7 and 8 are dependent on amended independent claim 1. Thus, for the remarks and amendment presented above with respect to independent claim 1, the rejections of claims 7 and 8 should be withdrawn.

Claim 12 was rejected under 35 USC § 103(a) as being unpatentable over Haruki as applied to claim 1, and further in view of Muyres et al. (U.S. 2001/0010046 A1). Claim 12 is dependent on amended independent claim 1. Thus, for the remarks and amendment presented above with respect to independent claim 1, the rejection of claims 12 should be withdrawn.

Claims 13-14 were rejected under 35 USC § 103(a) as being unpatentable over Haruki as applied to claim 1, and further in view of Carter et al. (U.S. 6,219,652). Claims 13-14 are dependent on amended independent claim 1. Thus, for the remarks and amendment presented above with respect to independent claim 1, the rejections of claims 13-14 should be withdrawn.

Claims 16-21 were rejected under 35 USC § 103(a) as being unpatentable over Haruki as applied to claim 1, and further in view of Misra. Claims 16-21 are dependent on amended independent claim 15. Thus, for the remarks and amendment presented above with respect to independent claim 15, the rejections of claims 16-21 should be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

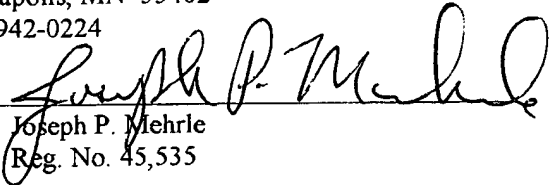
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By their Representatives,

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Date 12-22-04

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of December, 2004.

Peter Rebuffoni

Name


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